

AMENDMENT TRANSMITTAL LETTER

Attorney Docket No:
CY-0013Application Serial Number:
09/621,717Filing Date:
07/24/2000Examiner:
Thomas, T.Group Art Unit:
2822Invention: **Structure and Method for Monitoring a Semiconductor Process, and Method of Making Such a Structure**

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	NO. OF EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	26	MINUS	26	0	\$18	\$ 0.00
INDEP. CLAIMS	3	MINUS	3	0	\$78	\$ 0.00

☒ Petition is hereby made under 37 CFR 1.136(a) to extend the time for response to the Office Action of to and through, comprising an extension of the shortened statutory period of:

☒ one month (\$110) ☐ three months (\$870)
☐ two months (\$380) ☐ four months (\$1,360)

TOTAL ADDITIONAL FEE FOR THIS AMENDMENT

☐ A check in the amount of \$ 0.00 is attached.

☒ Please charge any necessary additional fees or credit any overpayment to Deposit Account 50-0742.

☒ No additional fee is required.

Conditional Petition for Additional Extension of Time

It is believed that the indicated items are timely filed. However, in the event an additional extension of time is required, please consider this a petition for extension of time under 37 C.F.R. §1.136(a).

Please charge any fees that may be required to Deposit Account No. 50-0742.

DECEMBER 3, 2001
date

Bradley Sako
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Reg. No. 37,923

I hereby certify that this correspondence and all correspondence identified as accompanying this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on DECEMBER 3, 2001.

Bradley Sako
Bradley Sako

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jin

Serial No.: 09/621,717

Filed: July 24, 2000

Title: **Structure and Method for Monitoring
a Semiconductor Process, and Method
of Making Such a Structure**

Attorney Docket No.: CY-0013

Group Art Unit: 2822

Examiner: Thomas, T.

RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The following is submitted in response to the Office Action dated October 2, 2001, and is currently due December 3, 2001, with a one-month extension.

REMARKS

Provisional Election with Traverse

In response to the restriction requirement set forth in the Office Action dated June 20, 2000, the claims of Group II (claims 10-26) are provisionally elected with traverse.

Distinctness between a processing of making and a product made can be shown if the product as claimed can be made by another materially different process. It is believed that distinctness has not been shown as the materially different process relied upon in the rejection is not materially different from the claimed process (MPEP 806.05(f)).

37 C.F.R. §1.8

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Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: DECEMBER 3, 2001

Typed Name: BRADLEY T. SAKO

Signature: Brady

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

It is argued that distinctness between Group I and Group II is shown because the device of the Group I invention could be made by a process different from that of the Group II invention. In particular, in support of the restriction, it is argued that a product according to claim 9 could be formed by a process having the following steps.

forming sacrificial layers on an etch stop formed on a monitor wafer,
forming a first layer on the wafer and planarizing the first wafer to expose
a top surface of the sacrificial layers, and
removing the sacrificial layers, thereby forming trenches in the first layer,
the trenches having the same dimensions as that of the sacrificial layers.

The restriction requirement is respectfully traversed. It is not believed that the method relied upon to establish distinctness is materially different from the invention of Group II. In particular, claim 20 recites a method that includes

processing a monitor wafer having monitoring trenches formed in a first
layer ...

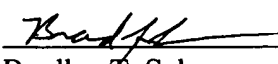
There does not appear to be any material difference between the example process steps relied upon in the Office Action and the method of claim 20. Claim 20 recites a monitor wafer with monitoring trenches formed therein. Such monitoring trenches could be formed by the process steps recited in the Office Action. An interpretation of claim 20 that excludes particular trench formation methods (e.g., damascene-type trench forming vs. patterning and etching to form trenches) would not give claim 20 its broadest reasonable interpretation, and is in fact believed to be unreasonably limiting.

Because it is not believed that distinctness has been established between claims 1-9 and 10-26, the restriction requirement is respectfully traversed.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

It is believed that all requirements for restriction have been traversed and the application may now be examined on the merits. Such action is respectfully requested.

Respectfully Submitted,

 12/3/01
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